



A conversation with Kathy Martinez

Voice Over:

(Hip-Hop music plays)

Barry Whaley:

Hi everyone. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, I want to welcome you to “504 at 50.” I’m Barry Whaley, I’m the project director of the Southeast ADA Center.

“504 at 50” is a special interview series created in recognition of the 50th anniversary of the signing of the Rehabilitation Act of 1973. In our series, we speak with leaders of the disability rights movement who advanced the cause of equal rights through their tireless work.

We are so happy to welcome today Kathy Martinez. She is the President and CEO of Disability Rights Advocate. Prior to that, she spent six years at SVP, Head of Disability and Accessibility Strategy for Wells Fargo.

Kathy is joined today by Dr. Peter Blanck, professor, and chair of the Burton Blatt Institute at Syracuse University.

So Peter, I’ll turn the show over to you.

Peter Blanck:

Thank you, Barry. And Kathy, it’s such a pleasure to be with you. We go way back and now we’ve kind of come full circle as I’m going to mention. I think we first met years ago when you were at WID. Is that right, Kathy?

Kathy Martinez:

Yes. And Peter, hello, and hello to the audience. Thanks for having me, Southeast ADA Center, on this show.



I was at WID for quite a while and I think we met at WID numerous times, or when I was at WID, numerous times for different projects.

Peter Blanck:

Well, Kathy, it's such a pleasure and honor to be with you. You've been an assistant secretary at the Office of Disability Employment Policy, you've been in the private sector, you've been in the nonprofit sector, and now you're at a place which is very central to my formative development. You are the executive director and President and CEO of Disability Rights Advocates, perhaps the leading disability rights shop, disability civil rights shop. Which I was, I don't know if you know this, Kathy, very fortunate to be one of the founding board members with Larry Paradis and Sid Wolinsky after they had won a litigation case, which I actually was an expert in involving mental health and ADA accommodations and then proceeded to form Disability Rights Advocates.

If I was going to dedicate my remarks today to anybody, it would be to Larry Paradis, who has left us, but who I had the great privilege, Kathy, with Larry of serving as co-counsel pro bono in Target v. NFB, National Federation of the Blind v. Target Stores, which was an amazing case that helped to open up or try to open up the web to persons with disabilities as well as working with DRA on numerous other matters related to emergency preparedness after Hurricane Sandy and Katrina, and a whole host of other important endeavors.

But Kathy, today's show and this series, is particularly focused on understanding things we haven't heard really about the early days. And as we approach the 50th anniversary of the Rehabilitation Act of 1973, we've spoken with luminaries like yourself, Lex Frieden, John Wodatch, Judy Heumann we're going to talk to, and the usual cast of brilliant characters, which I put you in that category.

But we're trying to get an understanding of what was different in those days, what people may not know. I know you came on the scene a little bit after some of those folks, and what are your kind of reflections, looking back now on how that disability rights movement came about early on after the Act was passed and the regulations were fought over and so forth, and what are your recollections of that time that ring true today? So that's kind of a broad question, but it's basically trying to understand, for our listeners, how this disability rights movement has evolved in ways that we haven't heard about before.

Kathy Martinez:



Well, that is a good question and I certainly show my age. Proud to be among the folks that you've interviewed. It's quite an esteemed group of folks. But yes, I did come a tiny bit later. I was at the 504 sit-in, I was outside the building and that really was my introduction to the disability rights movement. I had not ever thought there was such a thing as disability pride or that I never thought about disability as a civil rights issue at that time. I was 18 years old at the time, so that should give you an idea about how old I am.

And I guess the thing that struck me at that time was that we had so much support from different parts of the universe, as you know, from the unions and LGBTQ groups and GLIDE Memorial Church and the farm workers and the Association of International Machinists. There was quite an amazing, I would say, nexus of folks coming together to help get us over the finish line regarding Section 504.

For us at the time, I remember in the early 80s, we were talking about getting lifts on buses, we were talking about curb ramps, we're talking about basic physical access for people with disabilities.

What I remember was the focus primarily was on physical access, which at the time made sense to me. People couldn't get out of their houses and get in their wheelchairs and go through the streets or get from Point A to Point B. They couldn't get to work. And at that time, that seemed to be the goal. I remember in the 80s, we would say things like, "The disability community is the only community that wants to pay taxes." Maybe that was to appeal to the Republicans, or I don't know.

But the idea was we wanted to participate in all aspects of society. But where I was and how I grew up being mentored by Ed Roberts and Judy Heumann and Kitty Cone, my focus became economic justice and economic empowerment. Because, as you know, Peter, I grew up in a large Latino family and I have another blind sister. There were two of us. Peggy and I are the two middle of originally six, my brother just passed recently, so now five. But there was a lot of things in addition to our disability that I noticed. And one of those was my mom's inability to get credit, to open a bank account. So that forced me, as a Latina disabled person, into really focusing on economic justice and economic empowerment.

I think another thing about those years was developing coalitions. It may sound like a no-brainer now, but it took some energy. We had the American Coalition of Citizens with Disabilities. It was started I think in the late 70s, early 80s. I don't remember the exact date, but I remember meeting Frank Bowe, who was a deaf leader in our community. He and another person, Eunice Fiorito, who was blind,



and Judy really played a big role in bringing the disparate disability groups together. Because we had, up until then, worked on our own, the blind groups, of course, being the first to organize, because in my opinion, we were able to organize a lot easier than other disability groups because A) we could get up the steps, unlike our comrades who are wheelchair-users, and we could speak the language of the dominant culture, unlike our comrades who were deaf collaborators.

The blind, and I will say, were organized quite a ways before then they began to organize in the 30s as you know. There were issues about would it dilute the path that the blind organizations were on? I remember conversations, if we participated in coalitions, would that take away something? Well, it turns out to not have taken away. It turns out to have added a great deal to our right, to our ability to integrate into society when we coalesce.

So for me, that was something that people don't talk about because coalitions are kind of, like I said, they're no-brainers now.

Another thing that I noticed is there were very few people of color in the disability rights leadership at the time, and the values of the movement were really based on white middle class values. That is changing now. But as somebody who came in from a different culture, I noticed that. And for a while there in the 80s and 90s, there were very few of us, people of color, in the leadership of the disability community.

Peter Blanck:

Kathy, you know, of course, as usual, read my mind. Today, we talk, appropriately, a lot about racial justice and intersectionality, people with multiple additive in combining personal identities. And I was going to ask you about, as a Latina young woman, Hispanic woman, person of color, or people like Gerald Baptist -- how did color play into those early days? Was it something you viewed as distinct as part of your identity, or did you identify as a young Hispanic woman who happened to be blind?

Kathy Martinez:

That's a really good question and thank you for mentioning Gerald Baptiste. He certainly does not get enough recognition. Gerald was a mentor of mine. Gerald was an African American man who entered the disability rights movement in middle age, became, I guess, low vision.



I think in those days, I focused primarily on our rights. But I was also very involved in the Latinx or Latino movement, depending on your generation. I was also very involved in Latino politics. But there were times when I would go to meetings about Latino specific issues, and of course there was no accessible information. There were times when I would go to a disability rights leadership meeting and felt out of place. I would say the mentors that I had were very conscious of my intersectionality, Kitty Cone, and of course Gerald, as an African American man, and so we were able to discuss it. I was encouraged not to check any of those identities at the door. I felt very lucky.

I mean, there were definitely some lonely times when I wished there was other people of color who were part of the disability rights leadership movement. But I was encouraged by people who were Caucasian, by people of all races and genders, to not check any of my identities at the door. So I feel very lucky.

Peter Blanck:

Would you say that the disability civil rights movement itself at that time, though, was very much influenced by the African American civil rights movement? Women, Title IX had preceded it -- and then of course, in the 80s we had the AIDS epidemic where LGBTQ rights came to the fore. And as a matter of fact, many leaders from that community participated in development and first cases under the Americans with Disabilities Act, the first case under the ADA involved HIV disease.

Kathy Martinez:

Well, I would say that a lot of the tactics that we adopted came from those movements. I refer to the disability rights movement as a car on the train of civil rights. We were one of the cars. We definitely adopted a lot of the tactics of those movements. But up until I would say 15, 20 years ago, we did not consciously acknowledge that the experience of people who are disabled of color might be different, and there might be different value systems.

It's definitely changing, and for the good. I had experiences where I would talk to my Latino brothers and sisters. As you know, Peter, I ran a project called Proyecto Visión which was designed to help Latinos with disabilities get work and get into the job market. And when I approach people like the Hispanic Chamber of Commerce and other Latino groups, they were very reticent to collaborate. That did change. I want to just for the record, be very clear, that changed.



Peter Blanck:

Why do you think that was initially?

Kathy Martinez:

Well, people have their own interests at heart. One of the things that I think the disability community has been getting better at, and we could still be better at, is working across the social justice aisle, so to speak. We know that there is a higher incidence of disability in Latinx and African American, Native American communities, so I think it's really important to say, "Hey, our issues are your issues, and your issues are our issues." And at the time, this was 20 years ago ... This is my opinion, so I'm not going to speak for them, but in every culture, there's so much shame associated with disability. And I think that until people are around folks with disabilities and really see that we are multi-dimensional, and we are not kind of a "one-note samba," that we have more in common than we have differences.

Of course we have differences, and those differences need to be celebrated. But when I was trying to, and it wasn't just me, there was a bunch of us trying to say, "Hey, we are your brothers and sisters and we would like to have you as part of our movement, and we would like to be part of your movement." Some of the responses I got were, "Gosh, if I had somebody with a disability, it might hurt my business because it would make people feel bad."

But we chipped away at those negative attitudes and myths and stereotypes, and we chipped away at the fear. And I'm not saying that it was perfect, but we did get some chapters of the Hispanic Chamber of Commerce to hire folks with disabilities, whether they were Latino or not, and it did move the needle. Really just being a part of each other's lives is the key to reducing fear, myth, and stereotype.

Peter Blanck:

You now have become the CEO and President of Disability Rights Advocates, which is a premier litigation shop in disability civil rights. Why did you decide at this time, with all the experience you had, to go back into the fire pit from government and nonprofits and so forth, really to the forefront of developing law and change with this organization? And the second part of the question is what's different about today that's unique when you think about COVID, economic justice, racial justice, war, polarization of parties, political parties, where is the disability rights movement falling out today in this context?



Kathy Martinez:

Answer to the first part of your question is ... I am one of the people who have benefited significantly from the legal work of Disability Rights Advocates. You mentioned the Target case. I have seen their work expand the horizons for people with disabilities for the last 30 years. I am a non-lawyer; I shall have to confess. But I'm also very interested in the law and how litigation has changed the landscape and the attitudes, the physical and, I guess, cultural landscape for people with disabilities.

It's a job that I wanted to learn more about what this type of work entails. I do believe, frankly, that lawyers with a disability should run this place, so at some point I'll move on to a new adventure, but not yet.

I love the work. I think there's great people, there's great minds. I knew I could learn. I feel like I've given back a lot. We've got a strategic plan. We've made some major strides in developing systems regarding how to get things done. So I feel like I've been able to contribute, but I've learned a heck of a lot from these brilliant legal minds.

In terms of disability rights, as you know, I'm sure you've had plenty of folks on your podcast talking about the fact that we're very likely moving from disability rights to disability justice, where we look at the intersectionality of the whole person. I think we're in a very complicated time, as all times are, but given that our political parties are so far apart, I think it could have a real negative impact on disability rights.

Disability is an across-the-aisle issue. You don't have to be a Democrat to become disabled or a Republican to become disabled. I am hoping that on this issue, the two parties can continue to work together. I know that it is happening to a certain extent now, and I think COVID has impacted. There's a lot of things that are impacting the disability rights movement, including the fact that baby boomers, like you and me, Peter, are turning 65 at 10,000 persons a day. This is a different generation that won't wait a year for an accommodation to materialize. These are folks ... Our generation wants things instantly, and that includes people who acquire disabilities because of aging.

You mentioned COVID. We have millions of "long haulers" that are living with disabilities that they never expected to have. So how are we going to include them? How are we going to open the tent and cast of a broader net?

I also think that one important part of the movement that is changing and growing is the acknowledgement that non-evident disabilities are just as real as evident



disabilities, including mental disabilities, including neurodiversity. And I really believe, and I have had the experience, that acknowledgement and working with the impact of these types of disabilities makes for a better society, makes for a more understanding workplace and marketplace.

I do believe that our movement is changing. We are definitely not the same movement we were even 10 years ago, and we're much more inclusive, and we're acknowledging that disability isn't just about braille and wheelchair ramps, but it's much more nuanced. I think that part is fabulous.

I hope our two-party system will hold up and that disability will be something that people can come together on.

Peter Blanck:

Well, I know Kathy, you're not a prophet, although you may be to me and others. What do you see the next five to 10 years? Or is that a silly question because the dynamics have changed so much and there's so much uncertainty. At least, what do you hope are the priorities and aspirations and potential advances over the foreseeable future?

Kathy Martinez:

Well, one of the things I'm hoping for is that social justice movements will continue to work together in a stronger way and really develop understanding of each other's issues.

I believe that COVID has turned our workplaces upside down, which is really good. I mean, you've heard a thousand times that the silver lining of COVID was the fact that people can work remotely. I think we're just at the beginning of this concept of how we work, and especially now that companies are hiring people who are neurodiverse, now that folks are acknowledging their mental disabilities and forcing society to figure out how to accommodate somebody with a mental disability. I think just acknowledging non evident disabilities, they're just as real, although I think the discrimination is very different, but they're just as real as somebody with evident disabilities.

And we have an aging population that that is going to be with us for a while who are acquiring disabilities. So disability is a big part of who we are becoming.

Peter Blanck:



So Kathy, we also live in an unprecedented environment where Supreme Court decisions are leaked, Roe v. Wade, and where a conservative court may not be as receptive to disability rights, arguably as was in the past, although some might say the court has never been that receptive of disability rights bar Olmstead, perhaps, few other cases. But this past week or so, we've had a case come down under Section 504 of the Rehabilitation Act, Cummings, which basically limited or prevented emotional pain and suffering damages under the 504 Rehabilitation Act. We have a leaked Roe v. Wade case, which puts in stark light the court's view of civil rights perhaps, or human rights, with regard to the extent to which they are recognized under the United States Constitution.

What's your sense of how disability civil rights may fare in light of Cummings in light of Roe v. Wade and its approach to rights generally? Are you fearful or worried about the nature of the types of cases that may be brought in light of these in the disability area?

Kathy Martinez:

Yes. To me, it's terrifying to see a woman's right to choose get revoked. That, to me, is the scary part of all this because choice is at the foundation of our Constitution to a major extent.

I would say that the disability rights community will have to start working more closely with their state legislatures and really see who's on their school board, see who's on their city councils, see who's running for state assembly and senates. And I think we're going to have to focus much more in that space.

Peter Blanck:

Well, Kathy, I think that's very insightful. It really brings into question issues of federalism and state rights, which have long been at the heart of our democracy, beginning with questions of race. It would be a shame to move backwards on those dimensions with regard to human and civil rights.

So I think you are right, a new focus perhaps for the next generation will have to be a return to the state level and to really galvanize the political power of the disability rights movement.

Barry, back to you and thanks again, Kathy.

Kathy Martinez:



Thank you, Peter.

Barry Whaley:

Thank you, Peter. Listeners, our guest for this episode today has been Kathy Martinez, President and CEO of Disability Rights Advocates, the country's leading national nonprofit disability rights legal center. She was joined today by our host, Dr. Peter Blank.

Listeners can access this interview and other interviews at the Section 504 at 50 website. The web address is section504at50.org. This series is produced by the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and is a collaboration with the Disability Inclusive Employment Policy Rehabilitation Research and Training Center.

Again, thank you for listening. We look forward to seeing you at our next interview.
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